

City Of Poteet Regular Meeting of the City Council

491 Avenue H, City Hall
Tuesday June 4, 2019
6:30 P.M.

MINUTES

Councilmembers Present:

Mayor Willie Leal Jr.
Mayor Pro-Tem Nicholas Sanchez
Councilwoman Denise Sanchez
Councilman Rick Flores Sr.
Councilman Rick Castillon
Councilman Jesse Leal

Staff Present:

City Administrator Eric Jiminez
City Secretary Abigayle Frautschi
City Attorney Richard Lindner
Chief of Police Bruce Hickman
Finance Director Richard Middleton
Fire Chief Curtis Adams
Director of Public Works Robert Buentello
Utility Supervisor Ruben Quintana Jr.
Librarian Lisa Burbridge

Councilmembers Absent:

None

Citizens Present:

Diana Leal
Nicolasa Carrasco
Carolyn Vasquez
Laura Cowley
Candace Perez
Diana Guthrie
Elvia Camarillo
Tex Horn
Nadia S. Perez

Rachel Leal
Rudy Pena
Lisa Wilkins
Jose A. Saldivar
Florinda Carrasco
Sal Almanza
Morris Cowley
Cathryn Rodriguez

I. CALL TO ORDER Time: 6:30 P.M.

- A. Determination of Quorum
- B. Pledge of Allegiance
- C. Invocation
- D. Mayor's Introduction

Mayor Willie Leal Jr. called the meeting to order at 6:30 P.M. and determined a quorum present with all members in attendance. Mayor Leal then led the Pledge of Allegiance and Invocation. Mayor Leal said a brief introduction for his first City Council Meeting and prepared a Power Point Presentation to present to all Council, Staff, and Citizens. The presentation was about the expectations for everyone attending meetings to include Mayor Council, Staff and all citizens. Expectations to include professionalism and how to address members of the Council. The presentation also went over how he will run the City Council meetings while he is in office.

II. CITIZEN COMMENTS (3 MINUTE LIMIT)

Speakers need to complete the supplied form prior to this meeting. Any person who makes personal, disrespectful, slanderous remarks, or who become boisterous while addressing the council or attending a council meeting shall be removed from room if so directed by the Mayor or Mayor Pro-Tem if the Mayor is absent or at the request of the majority of the council. Please be advised that comments will have no action and no discussion at this meeting. (Attorney General Opinion jc-0169). **(A speaker signed up may not cede time to another speaker to continue speaking Ordinance # 12012014-01.)**

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Revised January 2014

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Mr. Rudy Pena stood to address Mayor and Council, in reference to agenda Item L. Mr. Pena expressed that he doesn't believe that any of the Poteet Police Department should receive any kind of raise. Mr. Pena stated that all the Police Officers do is hide behind buildings and private property. Mr. Pena also expressed his concern regarding the \$100 Renters Permit. Mr. Pena wanted to know why the citizens have to get a permit for anything they do to their own house. Mr. Pena went on to state that the City only has three (3) good workers. All in Public Works. He named Minchey Garcia, Bernie Moreno, and Christina Avila.

Mr. Salvador Almanza stood to address the Mayor and Council. Mr. Almanza stated that he wants to request that the Mayor and Council consider to increase the property exemption for citizens 65 and older. Mr. Almanza stated that the County's exemption rate is at \$25,000, the School Districts is \$30,000, Evergreen Water is \$25,000, the Farm to Market Road is \$25,000, but the City's is \$6,000.

Ms. Marie Levy stood and addressed the Mayor and Council, in reference to her participation in the Atascosa County Historical Commission. Ms. Levy explained that her group is tasked with maintaining the record of historical buildings and places in Atascosa County. Ms. Levy stated that she just wanted to inform the Mayor and Council that they are conducting surveys, and driving around taking photographs. She just wanted to inform everyone in case they received any type of complaints for this. Mayor Leal responded and asked Ms. Levy if she has any kind of identifying name badges that her group wears, because they will need something to identify themselves. Ms. Levy responded with, they have business cards that they hand out.

III. APPROVAL OF MINUTES

- A. Approve the Minutes for the March 5, 2019-Regular Meeting
- B. Approve the Minutes for the May 7, 2019-Regular "Canvass" Meeting

Motion R. Flores Sr. 2nd N. Sanchez

For	Against	Abstain	
X			Councilmember Nicholas Sanchez
X			Councilmember Denise Sanchez
X			Councilmember Rick T. Flores Sr.
X			Councilmember Richard Castillon
X			Councilmember Jesse Leal
			Mayor Willie Leal JR (Present but not voting)

Mayor Leal asked for a motion to approve the Minutes of the two meetings presented. Councilmember R. Flores made a motion to approve the minutes for March 5, 2019-Regular Meeting and May 7, 2019-Canvass Meeting. Councilmember N. Sanchez 2nd the motion. Vote taken, motion carried 5-0-0.

IV. STAFF REPORTS

- A. City Administrator
- B. Police Department
- C. Municipal Court
- D. Public Works
- E. Finance
- F. Library
- G. Fire Department

All staff gave reports. City Administrator Eric Jiminez informed Mayor and Council to be prepared because Budget Workshops are coming up, and we will need to make sure that we have a super majority to hold most of these meetings. No action taken during Staff Reports.

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V. NEW BUSINESS

- A. Discussion / possible Action on appointing a new “Mayor Pro-Tem” for a 12 month term. (City Administrator, Eric Jiminez)

Motion R. Castillon 2nd J. Leal

For	Against	Abstain	
X			Councilmember Nicholas Sanchez
	X		Councilmember Denise Sanchez
X			Councilmember Rick T. Flores Sr.
X			Councilmember Richard Castillon
X			Councilmember Jesse Leal
			Mayor Willie Leal JR (Present but not voting)

Current Mayor Pro tem N. Sanchez stated for whoever fills the appointment that this is for a two years. City Secretary A. Frautschi interrupted to correct that this is a one year term. Every year after the election this item gets placed back on the agenda for reappointment. Councilwoman D. Sanchez stated that she feels like this item should be tabled due to the fact that there are new Council Members and this is their first meeting. She would like to give them more time to get situated before making this decision. Mayor Leal called for a motion. D. Sanchez made a motion to table this item. Mayor Leal called for a 2nd to the motion. Motion died for lack of 2nd. R. Castillon then made a motion to reappoint Nicholas Sanchez for Mayor Pro Tem. J. Leal 2nd the motion. Vote taken, motion carried. 4-1-0, with D. Sanchez voting against.

- B. Open Public Hearing for filing an application with USDA, for the purpose of obtaining a grant for the purchase of new Police Vehicles. TIME: 7:23 P.M. Mayor Leal opened the Public Hearing at 7:23 P.M. and asked if there is anyone who wishes to speak. City Administrator E. Jiminez spoke stating that this item is a requirement from U.S.D.A – the City is currently trying to get a grant for the purchase of new police vehicles. Citizen Nora Gonzales spoke up stated that she thinks this is a good idea. She believes the City should try to get all the grants that we can. Council D. Sanchez stated that though she feels that this is a great deal, she doesn't feel that the City needs any more Police Vehicles. She also asked what the City's portion of this grant will be. City Secretary A. Frautschi stated that the total amount of the grant is \$55,000, and that the City would be responsible for \$12,092.00. This is a total for the vehicles, decals, and installation of all equipment. Citizen Margarito Briones spoke up and stated that this is a good buy for the City, he believes the City should take the deal.

- C. Close Public Hearing for filing an application with USDA, for the purpose of obtaining a grant for the purchase of new Police Vehicles. TIME: 7:26 P.M. Mayor Leal closed the public hearing at 7:26 P.M.

- D. Discussion / Possible Action on approving a Resolution applying for Grant Assistance from USDA, for the purpose of purchasing new Police Vehicles.

Motion R. Castillon 2nd N. Sanchez

For	Against	Abstain	
X			Councilmember Nicholas Sanchez
	X		Councilmember Denise Sanchez
X			Councilmember Rick T. Flores Sr.
X			Councilmember Richard Castillon

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X		Councilmember Jesse Leal
		Mayor Willie Leal JR (Present but not voting)

City Administrator E. Jiminez explained that this is the Resolution for the above mention public hearing. This is needed for the City to continue the application process for the U.S.D.A. grant for the purchase of new police vehicles. Councilman N. Sanchez started by saying that when we “The City” is offered help we should take it. He continued by stating that he is for this grant. Councilwoman D. Sanchez stated that the City has already purchased many new vehicles. She stated that this is a good deal but doesn’t feel that this is the right time to be buying more vehicles. Councilman R. Flores stated that we need the equipment, when we can get it. Councilman R. Castillon stated that at the discounted rate given by U.S.D.A we need to take advantage while we can. Councilman J. Leal stated that he feels the same. Mayor Leal asked for a motion. Councilman R. Castillon made a motion to approve the Resolution as provided. Mayor Pro Tem N. Sanchez 2nd the motion. Vote taken, motion carried 4-1-0, with Councilwoman D. Sanchez voting against.

E. Discussion / Possible Action on approving a Resolution of the City of Poteet, Texas finding, after reasonable notice and hearing, that AEP Texas INCs existing electric rates and charges should remain in effect. (AEP Rep)

Motion N. Sanchez 2nd R. Castillon

For	Against	Abstain	
X			Councilmember Nicholas Sanchez
X			Councilmember Denise Sanchez
X			Councilmember Rick T. Flores Sr.
X			Councilmember Richard Castillon
X			Councilmember Jesse Leal
			Mayor Willie Leal JR (Present but not voting)

Rita Parish from A.E.P Texas INC. (American Electric Power) stood at the podium to give a brief description about the rate review. Mrs. Parish stated that it has been 12 years since the last rate review by A.E.P Texas INC. She continued to state that they have done over 6 million dollars in work, without any rate increase. She asked Mayor and Council to consider adopting the Resolution provided which would in turn leave the current rates in effect for another 90 days. Mayor Leal called for a motion. Mayor Pro-Tem N. Sanchez made a motion to approve the Resolution provided, finding after reasonable notice and hearing that A.E.P. Texas INCs existing electric rates and charges should remain in effect. Councilman R. Castillon 2nd the motion. Vote taken, motion carried 5-0-0.

F. Discussion / Possible Action on amending Ordinance # 07032018-02 and to adopt AN ORDINANCE AMENDING THE BUILDINGS AND BUILDING REGULATIONS ORDINANCE 07032018-02 EXHIBIT “A” CITY OF POTEET BUILDING CODE FEE SCHEDULE FY2018; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES; AND ADOPTING AN EFFECTIVE DATE. (Building Inspector. Bill Lay)

Motion J. Leal 2nd N. Sanchez

For	Against	Abstain	
X			Councilmember Nicholas Sanchez
X			Councilmember Denise Sanchez

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	X	Councilmember Rick T. Flores Sr.
	X	Councilmember Richard Castillon
X		Councilmember Jesse Leal
		Mayor Willie Leal JR (Present but not voting)

Building Inspector Bill Lay stood at the podium addressing Mayor and Council. Mr. lay explained that on May 21, 2019 legislation passed HB852 saying that Cities can no longer base building permit fees off of valuation of projects. In our case the City of Potect currently does this under Ordinance 07032018-02. City Attorney R. Lindner has prepared a waiver form for the Citizens to use in the meantime until the Ordinance Fee Schedule can be reexamined. Mr. Lindner also has provided the City with a draft fee schedule that the City can use in the meantime, or the City can re-create their own. Mayor Leal called for a motion. Councilman J. Leal made a motion to use the schedule that the City Attorney has already prepared. Mayor Pro-Tem N. Sanchez 2nd this motion. Vote taken, motion carried 3-2-0, with Councilmen R. Flores and R. Castillon voting against.

G. Discussion / Possible Action on a request for variance from Richard Castillon on “Vent Hood” compliance located at 8755 N SH 16, Biggs Pizza,(Councilmember Richard Castillon)

Motion N. Sanchez 2nd J. Leal

For	Against	Abstain
X		Councilmember Nicholas Sanchez
X		Councilmember Denise Sanchez
X		Councilmember Rick T. Flores Sr.
X		Councilmember Richard Castillon
		Councilmember Jesse Leal
		Mayor Willie Leal JR (Present but not voting)

At this time Councilman R. Castillon stepped away from the Council table as to not be involved with any discussion regarding this matter. Also please note prior to this meeting Mr. Castillon has signed a conflict of interest form and filed it with the City Secretary. Mayor Leal stated that Mr. Castillon does not have the proper vent hood for the cooking appliances per our City Ordinance. Mayor Leal stated that he would like to ask that this item be tabled until Mr. Castillon can have proper representation to come to Council and speak on R. Castillon’s behalf. Mayor Pro Tem N. Sanchez made a motion to table this item until the next City Council Meeting. Councilman J. Leal 2nd the motion. Vote taken, motion carries 4-0-1, with R. Castillon abstaining from the vote.

H. Discussion / Possible Action on reviewing procedures of ordinance 05012018-01, Junk Vehicles Ordinance, specifically Section 3(e),and Section 4 (b)(1)(2). (Mayor, Willie Leal)

Motion R. Castillon 2nd J. Leal

For	Against	Abstain
X		Councilmember Nicholas Sanchez
X		Councilmember Denise Sanchez
X		Councilmember Rick T. Flores Sr.
X		Councilmember Richard Castillon
X		Councilmember Jesse Leal
		Mayor Willie Leal JR (Present but not voting)

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Mayor Leal made a suggestion that the Council consider tabling this item. Mayor Leal would like to have Council create a committee of Council to come together and meet with the Chief of Police. In the meantime he would like to have Council consider placing a moratorium on the ordinance until the Committee can come back to Council. Councilwoman D. Sanchez stated that the Police only pick up certain peoples vehicles. A few citizens requested to speak. Mayor Leal allowed for this. Citizens Nicolas Carrasco stated that she believes they shouldn't be taking peoples cars from their own properties. Citizen Rudy Pena stated that no one ever picked up the previous Mayors car that the sticker was out on that car for a year. Margarito Briones asked Mayor and Council "What is defined as "junk"?" Mayor Leal explained that the ordinance that is in place defines what "junk" is. Councilman R. Castillon explained that he receives a lot of complaints at his store because of this ordinance. He continued to state that he understands that Police are only doing their jobs, an Ordinance was approved through City Council and it's the police who must enforce it. Mayor Leal called for a motion. Councilman R. Castillon made a motion to appoint Nick Sanchez and Rick Flores to the committee and to place a moratorium on any seizing of vehicles until the committee comes back to City Council. Councilman J. Leal 2nd this motion. Vote taken, motion carried 5-0-0. City Attorney R. Lindner asked the Mayor for clarification on the moratorium. Mr. Lindner asked about any pending cases the Police currently have. The Mayor explained that as of now everything will cease. If the vehicle has already been picked up, then it's already picked up, but no more picking up vehicles from here on until the committee comes back to council.

- I. Discussion / Possible Action on reviewing fee for "disconnection" of water service on Ordinance # 07032018-01 Section IX (b) (Mayor. Willie Leal)

Motion D. Sanchez 2nd R. Castillon

For	Against	Abstain	
	X		Councilmember Nicholas Sanchez
X			Councilmember Denise Sanchez
X			Councilmember Rick T. Flores Sr.
X			Councilmember Richard Castillon
X			Councilmember Jesse Leal
			Mayor Willie Leal JR (Present but not voting)

Mayor Leal stated that he placed this item on the agenda because he feels that \$45.00 for disconnecting water service is too high. Mayor Pro Tem N. Sanchez stated that this was increased to decrease the amount of disconnections each month. Councilman R. Flores asked if there was a large amount of disconnections in the bills. City Secretary A. Frautschi answered stating that the disconnections decreased by about half. Councilwoman D. Sanchez stated that she voted against the increase when it was brought to Council before, and she is all for decreasing the amount. Councilman R. Castillon stated that he feels \$25.00 is much more suitable for Poteet. Councilman J. Leal stated that he agrees that it needs to be lowered. Mayor Leal called for a vote. Councilwoman D. Sanchez made a motion to approve amending Ordinance 07032018-01 Section IX (b) to change the disconnection fee from \$45.00 to \$25.00. Councilman R. Castillon 2nd the motion. Vote taken, motion carried 4-1-0, with Mayor Pro Tem N. Sanchez voting against.

- J. Discussion / Possible Action on Ordinance 09052017-03, proposing a waiver of permit fee for non-profit organizations/businesses (i.e., Poteet ISD, Churches,

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etc.), AND to propose a one-time permit fee, and not an annual permit fee. (Mayor Willie Leal)

Motion R. Flores 2nd R. Castillon

For	Against	Abstain	
	X		Councilmember Nicholas Sanchez
X			Councilmember Denise Sanchez
X			Councilmember Rick T. Flores Sr.
X			Councilmember Richard Castillon
X			Councilmember Jesse Leal
			Mayor Willie Leal JR (Present but not voting)

Mayor Leal stated that he brought this item to the attention of the City Council because the Super Intendent from Potetec ISD came to him stating that they are being charged for \$2200 for 22 alarm permits. Mayor Leal stated that the rest of the Ordinance will remain in effect, as far as the false alarm fines go. Mayor Leal stated that he requests that Non-Profit must still register with the City only that their fee will be waived. Mayor Leal called for a vote for ONLY allowing nonprofits to have the fee waived, but still require a permit be pulled. Councilwoman D. Sanchez made a motion to approve waiving the Alarm Permit fee for non-profit organizations. Councilman R. Flores 2nd the motion. Vote taken, motion carried 4-1-0, with Mayor Pro Tem N. Sanchez voting against. Mayor Pro Tem N. Sanchez stated that alarm companies charge the customer this fee, so the City created this Ordinance to keep the fee here at the City and not with the alarm company. Councilwoman D. Sanchez stated that when this was brought up before she voiced that if the alarm company is charging this fee then we shouldn't be charging as well. Councilman R. Flores stated that he must have been mis-lead before because he was under the impression that the fee comes from the alarm company. City Administrator E. Jiminez stated that alarm companies charge the citizens this fee, so the citizens should contact their provider. Mayor Leal asked if that means that the customers are paying twice? Code Compliance Officer C. Carter stated that the Ordinance states that the alarm company MUST pay this fee. Mayor Leal would also like to change the permit from being an annual renewal to a one time permit. E. Jiminez stated that he would like to request to continue the annual renewal of the permit, as this helps the Police Department keep track of who has alarms, and to lower the fees to a possible \$25.00 that would make the Annual permit for Residential \$25.00 and \$50.00 for commercial. Mayor Leal called for a motion. Councilman R. Flores made a motion to approve changing the current ordinance to waive the fees for non-profit organizations, but still requiring an alarm be registered,. Also to reduce the permit fees to \$25.00 for residential permits and \$50.00 for commercial but still requiring an annual permit be pulled. Mayor Pro Tem N. Sanchez 2nd the motion. Vote taken, motion carried 5-0.

K. Discussion / Possible Action on holding two (2) regular City Council meetings a month, being the 1st and 3rd Tuesday of each month at 6:30 P.M. (Mayor Willie Leal)

Motion D. Sanchez 2nd R. Castillon

For	Against	Abstain	
	X		Councilmember Nicholas Sanchez
X			Councilmember Denise Sanchez
	X		Councilmember Rick T. Flores Sr.
X			Councilmember Richard Castillon
	X		Councilmember Jesse Leal
			Mayor Willie Leal JR (Present but not voting)

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Mayor Leal stated that he placed this item on the agenda to allow the City to handle more business and not make the one monthly meeting too long. Mayor Pro Tem N. Sanchez stated that he doesn't feel that there is enough City business that would require us to attend another meeting each month. Councilwoman D. Sanchez stated that she would prefer two meetings a month. Mayor Leal called for a motion. Councilwoman D. Sanchez made a motion to approve holding two regular City Council meetings a month, being the 1st and 3rd Tuesday of each month at 6:30 P.M. Councilman R. Castillon 2nd the motion. Vote taken, motion fail for lack of votes. 2-3-0, with Councilman R. Flores, J. Leal, N. Sanchez all voting against. (NOT APPROVED)

L. Discussion / Possible Action on increasing all sworn Police personnel hourly rate of pay by \$0.50 (50 cents), effective immediately. (Councilmember, Nicholas Sanchez)

Motion R. Flores 2nd R. Castillon

For	Against	Abstain	
X			Councilmember Nicholas Sanchez
X	X		Councilmember Denise Sanchez
X			Councilmember Rick T. Flores Sr.
X			Councilmember Richard Castillon
			Councilmember Jesse Leal
			Mayor Willie Leal JR (Present but not voting)

Mayor Pro Tem N. Sanchez stated that he placed this item on the agenda because he feels that Poteet doesn't get qualified officers because the pay rate is so low. City Administrator E. Jiminez states that he surveyed surrounding areas for the Police Departments starting pay. All though Poteet is not the lowest, it is one of the lower paid Cities. The current starting pay for Poteet Officer is \$17.07 an hour, this increase will make the starting pay \$17.57 an hour. All the Council agreed that all the Police officers do not make enough for what the job entails. Councilwoman D. Sanchez stated that although she agrees that the Police Officers need a raise, she doesn't feel that the money is in the budget to do so at this point and time. She also stated that the budget process is coming up and most likely a cost of living adjustment (COLA) increase will be set in the budget for all employees. Mayor called for a vote. Councilman R. Flores made a motion to increase the pay of all sworn Police personnel by \$0.50 an hour. Councilman R. Castillon 2nd the motion. Vote taken, motion carried 4-1-0, with Councilwoman D. Sanchez voting against.

VI. BOARDS / COMMISSIONS REPORTS

- A. Library Advisory Board
- B. Planning & Zoning Commission

The Library advisory board spoke briefly to Mayor and Council stating that they are going to be holding another hamburger fundraiser coming up on June 14, 2019. City Administrator E. Jiminez stated that the Planning & Zoning Commission did not meet last month for lack of quorum.

VII. COUNCIL COMMENTS

- A. Councilmember Nicholas Sanchez
- B. Councilmember Denise Sanchez
- C. Councilmember Rick T. Flores Sr.
- D. Councilmember Richard Castillon
- E. Councilmember Jesse Leal
- F. Mayor Willie Leal Jr.

Mayor and Council all thanked all the citizens for coming out to watch the meeting.

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VIII. ADJOURNMENT

Time: 8:49 P.M.

Motion N. Sanchez 2nd R. Castillon

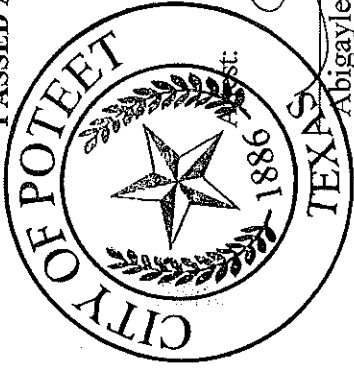
For	Against	Abstain	
X			Councilmember Nicholas Sanchez
X			Councilmember Denise Sanchez
X			Councilmember Rick T. Flores Sr.
X			Councilmember Richard Castillon
X			Councilmember Jesse Leal
			Mayor Willie Leal JR (Present but not voting)
Absent			

Mayor Pro Tem N. Sanchez made a motion to adjourn the meeting. Councilman R. Castillon 2nd the motion. Vote taken, motion carried. 5-0-0.

Meeting Adjourned 8:49 P.M.

All Meetings are preserved in an electronic and hard copy format. Copies are available with an open request after the minutes have been approved by the council.

PASSED AND APPROVED THIS 2nd day of July, 2019.



Abigayle R. Frautschi, City Secretary

(Handwritten signature)
 Willie Leal Jr., Mayor

Non-Discrimination Statement

"This institution is an equal Opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found on line at http://www.aster.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 652-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442, or email at program.intake@usda.gov.
 Revised January 2014

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Secretary at (830) 742 - 3574. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR35.102-35.104 ADA Title II]